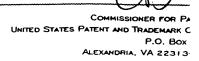




UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| APPLICATION NO. | FILING DATE      | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |  |
|-----------------|------------------|----------------------|-------------------------|------------------|--|
| 10/043,404      | 01/10/2002       | Masaharu Shioya      | 02008/LH                | 9052             |  |
| 1933            | 7590 01/14/2004  |                      |                         | EXAMINER         |  |
| FRISHAUF        | , HOLTZ, GOODMAI |                      | KALAFUT, STEPHEN J      |                  |  |
| 25TH FLOO       | -                | JAN 2 0 2004         | ART UNIT                | PAPER NUMBER     |  |
| NEW YORK        | NY 10017-2023    |                      | 1745                    |                  |  |
|                 | ł                | GCC CH & CANCER DC   | DATE MAILED: 01/14/2004 |                  |  |

Please find below and/or attached an Office communication concerning this application or proceeding.



Paper No.

## oliant Amendment (37 CFR 1.121) Notice of Nonz Go

The amendment document filed on 12-9-03s considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

| THE FO     |           | NG CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT: adments to the specification:  A. Amended paragraph(s) do not include markings.  B. New paragraph(s) should not be underlined.  C. Other   |  |  |  |
|------------|-----------|---|--|--|--|
|            | 2. Abstr  | A. Not presented on a separate sheet. 37 CFR 1.72.  B. Other  |  |  |  |
|            | 3. Amen   | endments to the drawings:   |  |  |  |
|            |           | dments to the claims:  A. A complete listing of <u>all</u> of the claims is not present.  B. The listing of claims does not include the text of all claims (including withdrawn claims)  C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.  C. Each claims of this amendment paper have not been presented in ascending numerical order.  E. Other: |  |  |  |
|            |           | nation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at ov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf.   |  |  |  |
| this lette | r to supp | ant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of ly the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in preliminary amendment and examination on the merits will commence without consideration of the proposed  |  |  |  |

changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

11-272-1641